United Nations A/C.3/65/SR.44

General Assembly
Sixty-fifth session

Official Records

Distr.: General
12 January 2011

Original: English

Third Committee

Summary record of the 44th meeting
Held at Headquarters, New York, on Thursday, 11 November 2010, at 10 a.m.

Chair: Mr. Tommo Monthe ..... (Cameroon)

Contents

Agenda item 63: Report of the Human Rights Council (*continued*)

Agenda item 67: Right of peoples to self-determination (*continued*)

Agenda item 68: Promotion and protection of human rights (*continued*)

(a) Implementation of human rights instruments (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)

This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of publication* to the Chief of the Official Records Editing Section, room DC2-750, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate corrigendum for each Committee.

10-63270 (E)

Please recycle

The meeting was called to order at 10.15 a.m.

Agenda item 63: Report of the Human Rights Council (*continued*)

Draft resolution A/C.3/65/L.59: Proclamation of 24 March as the International Day for the Right to Truth concerning Gross Human Rights Violations and for the Dignity of Victims

1. **The Chair** said that the draft resolution contained no programme budget implications.

2. **Mr. García González** (El Salvador) said that Brazil, Costa Rica, Mexico, Paraguay, Spain and Uruguay had joined the list of sponsors.

3. **Mr. Gustafik** (Secretary of the Committee) said that Armenia, Azerbaijan, Germany, the Republic of Moldova, Romania and the Seychelles had also become sponsors.[1]

4. *Draft resolution A/C.3/65/L.59 was adopted.*

5. **Ms. Phipps** (United States of America) said that respect for the right to truth would advance the rule of law, transparency, honesty, accountability, justice and good governance, all of which were key components of a democratic society. Her Government strongly supported those principles through truth commissions, forensic research and programmes to encourage dialogue.

6. The right to truth was closely linked to the right to seek, receive, and impart information guaranteed under article 19 of the International Covenant on Civil and Political Rights. It might be variously defined as the right to be informed, freedom of information, or the right to know.

7. The United States continued to acknowledge, as it had done at the Conference on the Missing convened by International Committee of the Red Cross in 2003, that a right to know was referred to in article 32 of the first Protocol additional to the Geneva Conventions (1977). Her country was not a party to that instrument and had no obligations under it, but supported the principle that families had a right to know of the fate of their missing family members.

Agenda item 67: Right of peoples to self-determination (*continued*)

Draft resolution A/C.3/65/L.51: Universal realization of the right of peoples to self-determination

8. **The Chair** said that the draft resolution contained no programme budget implications.

9. **Mr. Sial** (Pakistan) said that Burkina Faso, Ghana, Honduras, Ghana and Sierra Leone had become sponsors. The right to self-determination was a cornerstone of the Charter of the United Nations, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. It had been emphasized by the Movement of Non-Aligned Countries, the Organization of the Islamic Conference and other relevant organizations.

10. **Mr. Gustafik** (Secretary of the Committee) said that the sponsors had been joined by Ecuador, Jamaica, the Maldives, Mali, Namibia, the United Republic of Tanzania and Zambia.

11. *Draft resolution A/C.3/65/L.51 was adopted.*

12. **Mr. Burniat** (Belgium), speaking on behalf of the European Union in explanation of position after the adoption of the draft resolution, said that the right of peoples to self-determination was a fundamental principle of international law, and was enshrined notably in common article 1 of the Geneva Conventions and Article 1 of the Charter of the United Nations. The right to self-determination was closely associated with respect for all human rights, democracy and the rule of law, including the principle of equality between citizens. It required free, fair and regular elections in the context of a democratic society, and full respect of all civil, political, economic, social and cultural rights and fundamental freedoms.

13. The scope of the draft resolution was therefore too narrow. The European Union would have preferred a clearer focus on the practice of self-determination under international law. Moreover, the text contained a number of inaccuracies. The right to self-determination applied only to peoples, rather than to nations. Although associated with respect for all human rights, it was not a precondition for their enjoyment. A reference to the right of return as established in the Universal Declaration of Human Rights would also have been welcome.

[1] The delegation of India subsequently informed the Committee that it had intended to join the sponsors.

14. **Ms. Phipps** (United States of America) said that her country had joined the consensus in view of the importance of the right to self-determination. However, she wished to note that the resolution contained many misstatements of international law, and included provisions that were inconsistent with current practice.

15. **Ms. Robles** (Spain) said that, as the General Assembly had affirmed on numerous occasions, self-determination was not the only principle relevant to the decolonization of Non-Self-Governing Territories. In certain cases, the principle of territorial integrity was applicable. One such case was that of Gibraltar, which was the subject of a consensus resolution adopted by the Fourth Committee at the current session. The original population of that colony had been forced to abandon the territory. The current inhabitants were descended from the settlers, and the fact that three centuries had passed did not alter that fact. The right to self-determination could not apply to the colonizing people to the detriment of the colonized people.

16. Spain was willing to work towards a permanent settlement in accordance with the terms established by the General Assembly. Any such settlement must be reached within the context of talks with the United Kingdom, taking into account the interests and aspirations of the people of Gibraltar.

17. **Ms. Freedman** (United Kingdom), speaking in exercise of the right of reply, said that her country's position on the issue of the sovereignty of Gibraltar was well known and had been reiterated before the Fourth Committee on 6 October 2010 (A/C.4/65/SR.4). The United Kingdom had no doubt about its sovereignty over Gibraltar and the territorial waters surrounding it. It did not accept that the principle of territorial integrity had ever been applicable to the decolonization of Gibraltar. Nor did the existence of a sovereignty dispute imply that the people of Gibraltar did not have the right of self-determination. The United Kingdom remained committed to the trilateral process of dialogue on Gibraltar among the Governments of the United Kingdom, Spain and Gibraltar.

Agenda item 68: Promotion and protection of human rights (*continued*)

(a) Implementation of human rights instruments (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)

Draft resolution A/C.3/65/L.25/Rev.1: Committee against Torture

18. **Mr. Gustafik** (Secretary of the Committee), presenting an oral statement of programme budget implications, drew attention to the terms of paragraphs 2 and 3 of the draft resolution. In accordance with rule 25 of its rules of procedure, the Committee against Torture had, in an oral statement of programme budget implications at its 44th session, been informed of the requirements relating to additional meeting time in 2011 and 2012.

19. Current provisions in the programme budget for the biennium 2010-2011 provided for travel and per diem costs for the ten members of the Committee to attend its two annual regular sessions in Geneva, consisting of three weeks or 15 working days each, as well as for conference services for those meetings.

20. At its forty-first session held in November 2008, the Committee against Torture had requested the General Assembly to authorize it to meet for an additional session of four weeks each in February 2010 and in February 2011. The Committee had been informed that the recommendation would give rise to additional requirements of $2,105,300 per year or $4,210,600 for the biennium under section 2 of the programme budget. That amount would include the provision of conference services, including summary records and interpretation in the official languages, for a total of 80 additional sessional meetings during the biennium 2010-2011, as well as an estimated additional 2,880 pages of pre-session and in-session documentation and 220 pages of post-session documentation in the official languages. For conference support services, it was estimated that additional requirements of $30,600 would be required under section 28 E. Provisions had been made for all of the additional conference servicing requirements in the programme budget for the biennium 2010-2011.

21. The terms of paragraph 2 of the draft resolution entailed a revision to those earlier estimates. The additional meetings of the Committee would require conference-servicing resources in the amount of $1,189,900 for a total of 20 additional sessional meetings in 2011 and 20 in 2012. That amount included summary records, interpretation in the official languages, and an estimated additional 960 pages of pre-session and in-session documentation and 160 pages of post-session documentation in the official languages for each year. The estimate for conference support services had also been revised to only $15,800 under section 28 E, or $7,900 for each year.

22. Because additional resources for conference services had been provided in the programme budget for the biennium 2010-2011, the existing resources were deemed sufficient to cover the resource requirements for 2011. The resources required under section 28 E were also considered sufficient for that year. The resource requirements to service an additional week of sessional meetings in May and November 2012 would be considered in the context of the proposed programme budget for the biennium 2012-2013.

23. It was also anticipated that the following additional resources would be required under section 23 of the programme budget for the biennium 2011-2012: (i) daily subsistence allowance costs for the members of the Committee in relation to the additional meetings, estimated at $34,700 per session or $69,400 each in 2011 and 2012; and (ii) staff support at the P-2 level for 12 work months each, estimated at $146,200 each in 2011 and in 2012. The requirements for the year 2011 would be met within the resources approved under section 23. The additional resource requirements to service the one additional week of sessional meetings in May and in November 2012 would be considered in the context of the proposed programme budget for the biennium 2012-2013.

24. With respect to paragraph 3, it was estimated that the preparation of the report to be submitted to the sixty-sixth session of the General Assembly, including translation and reproduction requirements, would amount to $24,000. The additional amount would be met within available resources approved under Section 2 of the programme budget for the biennium 2011-2012.

25. Should the General Assembly adopt the draft resolution, the estimated requirements would be met within the provision approved for the biennium 2010-2011. The total requirements of $1,413,400 for the biennium 2012-2013 would be dealt with in the context of the proposed programme budget for the biennium 2012-2013.

26. With regard to the sixth preambular paragraph of the draft resolution, attention was drawn to General Assembly resolution 45/248 B, section VI, and subsequent resolutions, the most recent of which was resolution 64/243, in which the General Assembly had reaffirmed that the Fifth Committee was the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters, and reaffirmed the role of the Advisory Committee on Administrative and Budgetary Questions.

27. **Ms. Kofoed** (Denmark) said that Belgium, Canada, Madagascar, the Republic of Korea and Venezuela (Bolivarian Republic of) had joined the sponsors.

28. The phrase "in order to address the backlogs of reports of States parties and individual complaints awaiting consideration" should be added at the end of paragraph 2. In paragraph 3, the words "and tailored" should be inserted between the words "concrete" and "proposals". The phrase "including the Committee against Torture," should be added between the phrase "human rights treaty bodies," and the phrase "building on the work". The word "costs" should be replaced with "resource requirements". The phrase "and programmes of work" should be deleted.

29. **Mr. Gustafik** (Secretary of the Committee) said that the following delegations had also become sponsors: Benin, Bolivia (Plurinational State of), Bulgaria, Ecuador, Germany, Ireland, Latvia, Lithuania, Mali, Peru, Portugal, the Republic of Moldova, Serbia, the former Yugoslav Republic of Macedonia, Turkey and Ukraine.

30. *Draft resolution A/C.3/65/L.25/Rev.1, as orally revised, was adopted.*

Draft resolution A/C.3/65/L.27: The role of the Ombudsman, mediator and other national human rights institutions in the promotion and protection of human rights

31. **Mr. El Mkhantar** (Morocco) said that the resolution would strengthen the role of the ombudsman and relations between mediating institutions. The sponsors had been joined by Argentina, Australia, Bosnia and Herzegovina, Burundi, the Comoros, Eritrea, Gabon, Georgia, Honduras, Iceland, India, Japan, Lebanon, Mongolia, the Seychelles, Turkey, the United States of America and Venezuela (Bolivarian Republic of).

32. **Mr. Gustafik** (Secretary of the Committee) said that the following States had also become sponsors: Belize, Burkina Faso, Colombia, the Congo, Côte d'Ivoire, Indonesia, Iraq, Niger, Norway, Panama, Saint Lucia, Togo and the former Yugoslav Republic of Macedonia.

33. The French version of the text incorrectly used the term "droits de l'homme" for human rights; the Secretariat would make the appropriate change.

34. *Draft resolution A/C.3/65/L.27 was adopted.*

The meeting was suspended at 11:10 a.m. and resumed at 12.20 p.m.

Draft resolution A/C.3/65/L.36/Rev.1: Human rights and extreme poverty

35. **Mr. Pérez** (Peru) said that an ample, inclusive and transparent process had made it possible to agree on a balanced text that took into consideration the concerns of all Member States. The sponsors had been joined by Bosnia and Herzegovina, Colombia, Germany, Israel, Liechtenstein, the Philippines, the Republic of Korea and Sweden.

36. **Mr. Gustafik** (Secretary of the Committee) said that the following States had become sponsors: Burkina Faso, the Comoros, Côte d'Ivoire, Lebanon, Lesotho, Liberia, Lithuania, Madagascar, Malta, Morocco, Namibia, Niger, the Seychelles, Sudan, Suriname, Togo, Trinidad and Tobago, Uganda and Ukraine.

37. **Mr. Chipaziwa** (Zimbabwe), speaking in explanation of position, said that his country felt compelled to withdraw its sponsorship of the draft resolution, which sought to redefine by stealth the levels of development of countries. Contrary to what was stated in the seventh preambular paragraph, it was patently untrue that poverty persisted in all countries of the world. Paragraph 7 sought to redefine Millennium Development Goal 1, which referred to extreme poverty rather than to poverty. The two terms could not be used interchangeably, as was the case in the draft resolution. Moreover, the gravity and characteristics of extreme poverty differed from one country to another.

38. The Monterrey Consensus of the International Conference on Financing for Development stated clearly who should shoulder the burden of development. However, his delegation felt that the draft resolution undermined the established categorization of development levels. Such draft resolutions tended increasingly to erode internationally agreed development strategies and the share of the burden to be borne by each category of country.

39. While not blocking consensus, Zimbabwe would continue to work with like-minded delegations in order to prevent any further erosion of the common understanding of internationally agreed development goals.

40. **Mr. Ndimeni** (South Africa), speaking in explanation of position, said that the question of extreme poverty and hunger was a priority for his country. It continued to cause deep concern for developing countries, in particular in sub-Saharan Africa. The practical enjoyment of human rights and development were inextricably linked and mutually reinforcing, and were underpinned by the principle of non-discrimination. The sponsors of the resolution had, year after year, adopted an approach that purported to justify the existence of extreme poverty in regions with mega-economies and mega-resources. The draft resolution in its current wording contained a fallacy, in that it sought to equate all countries of the world in terms of their economic strength and levels of social and economic development.

41. The realization of the right to development remained central to the issue at hand. Efforts to eradicate extreme poverty and hunger should not be a mere academic exercise, and should not trivialize the issue. Instead, they should seek to involve their intended beneficiaries.

42. The report of the independent expert on the question of human rights and extreme poverty (A/65/259) had made it very clear that States had not only a responsibility, but also a legally binding obligation to eradicate extreme poverty. She had also underlined that the issue must not be politicized. Such views were consistent with the principled position of South Africa.

43. The draft resolution omitted fundamental principles that ought to underpin efforts to eradicate extreme poverty and hunger, in particular the principle of non-discrimination, which had been stressed in the report. Moreover, the Vienna Declaration and Programme of Action and Durban Declaration and Programme of Action had highlighted that poverty, underdevelopment, marginalization, social exclusion and economic disparities impeded the achievement of social cohesion within States and were an affront to human dignity.

44. The vision contained in the current text was politically untenable for all developing countries, particularly the victims of extreme poverty and hunger. The views of those living in conditions of extreme poverty and hunger must be taken into consideration. They should contribute in an open, transparent and inclusive manner to the development of comprehensive solutions in order to address the various manifestations and root causes of extreme poverty and hunger, as well as poverty and underdevelopment in all regions of the world.

45. While not blocking consensus on the draft resolution, his delegation would remain fully engaged with that issue in the future.

46. **Ms. Phipps** (United States of America) said that the United States of America was the world's largest provider of official development assistance, and was a leading source of financing for development, foreign direct investment, trade remittances and private donations. At the high-level plenary meeting of the General Assembly on the Millennium Development Goals, it had announced a new Global Development Policy, which would place a premium on broad-based economic growth and game-changing innovations.

47. Her delegation would join the consensus on the draft resolution on the explicit understanding that there was no implication that States must become parties to instruments to which they were not parties, or implement human rights obligations contained in such instruments. The draft resolution did not constitute a change in treaty law or customary international law. The reaffirmation of prior instruments applied only to those Member States which were parties to them.

48. *Draft resolution A/C.3/65/L.36/Rev.1 was adopted.*

49. **Mr. De Léon Huerta** (Mexico) said that he wished to recognize the efforts of Peru in conducting open consultations. All delegations had been kept up to date, and various concerns had been taken into account. In view of the importance of the topic, he was pleased that the draft resolution had been adopted by consensus.

The meeting rose at 12.40 p.m.